

Amendment No. 3 to SB0641

**Yager
Signature of Sponsor**

AMEND Senate Bill No. 641*

House Bill No. 943

by deleting subdivision (c)(2) in Section 4, inserting the following subdivisions (c)(2) and (c)(3), and renumbering the subsequent subdivision accordingly:

(2) In order to be considered at the next scheduled citywide or countywide election, primary, or referendum, a petition for deannexation pursuant to subdivision (c)(1) must be filed with the county election commission not less than seventy-five (75) days before such election, primary, or referendum. Upon receipt of the petition, the county election commission shall notify the municipality and hold an election to coincide with the next citywide or countywide election, primary, or referendum that is scheduled not less than seventy-five (75) days after the petition for deannexation is filed with the county election commission. The municipality shall determine the debt amount and the unfunded pension obligations and unfunded other post-employment benefits (OPEB) obligations pursuant to § 6-51-204(a) not less than thirty (30) days prior to the election. The election commission shall submit to all qualified voters residing in the municipality the question of "For Deannexation" or "Against Deannexation." If a majority of voters approve the deannexation, the deannexation of the territory shall become operative thirty (30) days after the date that the county election commission makes its official canvass of the election returns. If a majority of the voters fail to approve the deannexation, then the county election commission shall file the certificate of the result with the county clerk, and no further election may be held for the territory pursuant to this subsection (c).

(3) If a court finds under § 6-51-108 that a municipality has materially and substantially failed to comply with its plan of services and a majority of the voters fail to approve the deannexation under (c)(2), then the municipality must comply with the plan

Senate State and Local Government Committee 3

Amendment No. 3 to SB0641

Yager
Signature of Sponsor

AMEND Senate Bill No. 641*

House Bill No. 943

of services adopted by the municipality pursuant to § 6-51-102 within five (5) years of the date the county election commission makes its official canvass of the election returns. If the municipality does not comply with the plan of services within that five-year period, the territory that was the subject of the failed election shall be automatically deannexed from the corporate boundaries of the municipality and such deannexation shall be operative immediately.